BORA LASKIN LAW LIBRARY
3 1761 10082786 4

UNIVERSITY OF TORONTO
FACULTY OF LAW

FOR STUDENT USE ONLY

Seminar Readings for

CORPORATIONS, INDIVIDUALS AND THE STATE

Fall 2018

Volume 2 of 2

K
1315
.L44
2018
v.2
c.1

Professor Lee
Faculty of Law, University of Toronto

BORA LASKIN LAW LIBRARY

SEP - 7 2018

FACULTY OF LAW
UNIVERSITY OF TORONTO

FOR STUDENT USE ONLY

Seminar Readings for

CORPORATIONS, INDIVIDUALS AND THE STATE

Fall 2018

Volume 2 of 2

Professor Lee
Faculty of Law, University of Toronto

Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

https://archive.org/details/seminarreadingsf02leei_7

Seminar Readings for
Corporations, Individuals and the State
Fall 2018, Professor Lee
Volume 2 of 2

Contents

TOPIC 6: SHOULD CORPORATIONS BE MORE DEMOCRATIC? 5

Canadian Business Corporations Act, ss 133(1)(b), (2), 141(1), 143(1), 148(1), 106(3), 109, 24(3), (4) 6
Stephen Bainbridge, "The Case for Limited Shareholder Voting Rights" 9
Allan Hutchinson, *The Companies We Keep: Corporate Governance in a Democratic Society* 32
Usha Rodrigues, "The Seductive Comparison of Shareholder and Civic Democracy" 45
"No Democracy Please, We're Shareholders: American Corporate Governance" 55
Lynn Stout and Iman Anabtawi, "Sometimes Democracy Isn't Desirable" 57
Elizabeth Raymer, "Dual-Class Voting Structure Under Microscope" 59
Robert Dahl, "The Right to Democracy Within Firms" 61

TOPIC 7: SHOULD CORPORATIONS HAVE OBLIGATIONS UNDER THE CHARTER OF RIGHTS? 72

Dale Gibson, "The Charter of Rights and the Private Sector" 73
Eldridge v B.C. 80
RWDSU v Dolphin Delivery 81
Allan Hutchinson and Andrew Petter, "Private Rights/ Public Wrongs: The Liberal Lie of the Charter" 92
FR Scott, excerpt from "Canadian Federalism: The Legal Perspective" 105
Adolf Berle, "Constitutional Limitations on Corporate Activity- Protection of Private Rights from Invasion through Economic Power" 106
Aoife Nolan, "Holding Non-State Actors to Account for Constitutional Economic and Social rights Violations: Experiences and Lessons from South Africa and Ireland" 117

TOPIC 8: CORPORATIONS AND PUBLIC SERVICES 137

Michael Trebilcock and Edward Iacobucci, "Privatization and Accountability" 138
Sharon Dolovich, "State Punishment and Private Prisons" 160
Alon Harel and Ariel Porat, "Commensurability and Agency: Two Yet-to-be-met Challenges for Law and Economics" 206

TOPIC 9: DO MULTINATIONAL CORPORATIONS POSE SPECIAL PROBLEMS OF ACCOUNTABILITY AND REGULATION? 216

Phillip Blumberg, "Accountability of Multinational Corporations: The Barriers Presented by Concepts of the Corporate Juridical Entity" 217
Carlos Vázquez, "Direct vs. Indirect Obligations of Corporations Under International Law" 229
Choc v Hudbay Minerals Inc. 246
Yaiguaje v Chevron Corporation 262
Denis G Arnold, "Transnational Corporations and the Duty to Respect Basic Human Rights" 277

TOPIC 6: SHOULD CORPORATIONS BE MORE DEMOCRATIC?

TOPIC 7: SHOULD CORPORATIONS HAVE OBLIGATIONS UNDER THE CHARTER OF RIGHTS?

TOPIC 8: CORPORATIONS AND PUBLIC SERVICES

TOPIC 9: DO MULTINATIONAL CORPORATIONS POSE SPECIAL PROBLEMS OF ACCOUNTABILITY AND REGULATION?